

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA**

**v.**

**5:09-CR-337  
(FJS)**

**KEITH HORTON,**

**Defendant.**

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**APPEARANCES**

**OFFICE OF THE UNITED  
STATES ATTORNEY**

James Hanley U.S. Courthouse  
& Federal Building  
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P.O. Box 7198  
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Attorneys for the United States

**OFFICE OF THE FEDERAL  
PUBLIC DEFENDER**

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Attorneys for Defendant

**SCULLIN, Senior Judge**

**OF COUNSEL**

**EMMET J. O'HANLON, AUSA  
MICHAEL F. PERRY, AUSA  
NICHOLAS COMMANDEUR, AUSA  
GEOFFREY J.L. BROWN, AUSA**

**RANDI JUDA BIANCO, AFPD**

**ORDER**

Defendant challenged a proposed modification of the conditions of his supervised release following his recent re-release from custody. On May 19, 2017, the Court referred the matter to Magistrate Judge Dancks for issuance of a Report-Recommendation as to the whether the Court should impose the proposed modification. *See* Dkt. No. 340. On May 22, 2017, Magistrate Judge Dancks conducted a hearing so that Defendant, with assistance of appointed counsel, could be heard with regard to his objections to the proposed modification and could present any information in

mitigation pursuant to Rule 32.1(c)(1) of the Federal Rules of Criminal Procedure. In a Report-Recommendation dated May 26, 2017, Magistrate Judge Dancks recommended that the Court impose the proposed modification of Defendant's conditions of supervised release notwithstanding his objections. *See* Dkt. No. 342. Defendant did not file any objections to Magistrate Judge Dancks' recommendation.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, \*10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Dancks' May 26, 2017 Report-Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

**ORDERS** that Magistrate Judge Dancks' May 26, 2017 Report-Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

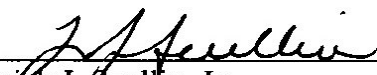
**ORDERS** that the conditions of Defendant's supervised release are modified to add the following condition:

1. You shall reside for a period of 2 months in a residential reentry center or other suitable facility and shall observe the rules of that facility.

All other conditions of Defendant's supervised release remain the same.

**IT IS SO ORDERED.**

Dated: June 19, 2017  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Judge